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OF COUNSEL
LOUIS SCHWARTZ

TAX COUNSEL
MARK B. WEINBERG

October 17, 2000

BY HAND

Ms. Alva E. Smith
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 5102

Dear Ms. Smith:

On behalf of Western New York Public Broadcasting Association, we are filing herewith, its response to the above-referenced complaint. The response includes: 1) the letter response of WNYPBA; 2) a Declaration executed by an officer of WNYPBA; and 3) Statement of Designation of Counsel.

Please address any questions concerning this matter to this office.

Sincerely yours,



Malcolm G. Stevenson

MGS/nmc

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October 17, 2000

General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: MUR 5102

Ladies and Gentlemen:

This letter is written on behalf of the Western New York Public Broadcasting Association (WNYPBA) in connection with the above-referenced complaint by Mr. Jeff Graham. That complaint alleges, inter alia, that WNYPBA may have been a "staging organization" with respect to a debate between Hillary Rodham Clinton and Rick Lazio conducted on September 13, 2000 at WNYPBA studios and, as such, may have violated 11 CFR 110.13 respecting the application of pre-established criteria in determining which candidates could participate in the debate.

WNYPBA was not a "staging organization" within the meaning of 11 CFR 110.13. WNYPBA had no role whatsoever in determining the structure of the debate or the selection of participants. WNYPBA merely rented its studio facilities to the sponsors of the debate -- MSNBC and the Buffalo News -- in an arm's length business transaction.

Accordingly, WNYPBA respectfully requests that Mr. Graham's complaint be dismissed with respect to WNYPBA.

Please address any questions concerning this matter to this office.

Respectfully submitted,

SCHWARTZ, WOODS & MILLER

By: Malcolm G. Stevenson
Malcolm G. Stevenson

MGS/nmc

21-04-405-1646

**WNED
TV-AM-FM
WNEQ-TV
WNJA-FM**

Western New York Public Broadcasting Association

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I, Donald K. Boswell, President & CEO of the Western New York Public Broadcasting Association, hereby declare under penalty of perjury that, except for the facts of which the Federal Election Commission may take official notice, the facts stated in the foregoing letter Response to the Complaint in MUR 5102 are true and correct.

Dated this 16th day of October, 2000.



Donald K Boswell, President & CEO

21-04-405-1647

STATEMENT OF DESIGNATION OF COUNSEL

MUR 5102

NAME OF COUNSEL: MALCOLM G. STEVENSON, Esq.

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The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10-6-2000
Date

Michael G. Sutton
Signature

Michael G. Sutton
Vice President, Finance & Administration
and Chief Financial Officer

WNEB - WESTERN NEW YORK PUBLIC BROADCASTING ASSOC
RESPONDENT'S NAME: By MICHAEL G. SUTTON

ADDRESS: P.O. Box 1263
BUFFALO, NY 14240

TELEPHONE: HOME()

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